

5. Confirmation that initial mandatory disclosure required by Rule 26(a)(1) and the Court's order have been completed.

Response: The parties have agreed to exchange initial mandatory disclosures by December 30, 2011.

6. (a) a specification of the subjects on which discovery may be needed, (b) An estimate of the time needed for discovery, and (c) whether discovery should be conducted in phases or be limited to or focused upon particular issues;

Response: (a) Discovery will be needed on issues of whether the positions held by Plaintiff were exempt, the various duties of those positions, and any affirmative defenses asserted by Defendant; (b) Six months for discovery to accommodate the schedules of clients and counsel (c) Not at this time.

7. What changes, if any, should be made in the limitations on discovery imposed under the federal or local rules, and what other limitations, if any, should be imposed;

Response: None, at this time.

8. Whether any other orders should be entered by the Court pursuant to Fed. R. Civ. P. 26(c), Fed. R. Civ. P. 16(b) or Fed. R. Civ. P. 16(c);

Response: At this time, the parties do not foresee the need for an order under Rule 26(c). The parties submit the attached Joint Proposed Scheduling Order for entry under Rule 16(b).

9. Whether a jury has been demanded;

Response: A jury has been demanded.

10. Whether the parties will consent to trial (jury or nonjury) before United States Magistrate Judge per 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73(b);

Response: The parties do not consent to trial before the United States Magistrate Judge.

11. (a) An assessment of the prospects for settlement, (b) status of any settlement negotiations already conducted, and (c) the parties' agreement to a formal settlement conference;

Response: The Parties have engaged in settlement negotiations and will continue to engage as they proceed through discovery. The Parties agree to have a formal, in-person settlement conference by April 27, 2012 to discuss settlement of this matter.

12. Whether the parties will agree to mediation or to other alternative dispute resolution, and when it would be most effective (before discovery, after limited discovery, or at the close of discovery).

Response: The Parties agree to consider mediation at a later date. Mediation would be most effective after the Parties conduct discovery.

13. A statement that counsel have read the Dondi decision, 121 F.R.D. 284 (N.D. Texas 1988).

Response: Counsels for Plaintiff and Defendant have read the *Dondi* decision.

14. Any other matters relevant to the status and disposition of this case.

Response: None.

A. Proposed Scheduling Order

1. A proposed time limit to file motions for leave to join other parties.

Response: The Parties propose that the time limit to file motions for leave to join other parties shall be January 20, 2012.

2. A proposed time limit to amend pleadings.

Response: The Parties propose that pleadings be amended no later than January 20, 2012, (with affirmative defenses to same due within 20 days after).

3. A proposed time limit to file various types of motions, including dispositive motions and summary judgment.

Response: The Parties propose that all dispositive motions, including motions for summary judgment be filed by November 1, 2012. It is requested that the trial motions deadline, (for items such as motions in limine, etc.), be fourteen (14) days before trial.

4. A proposed time limit for completion of all discovery, including both factual and expert discovery.

Response:

(a) *Discovery Deadline:* October 1, 2012.

(b) *Initial Designation of Expert Witnesses:* April 16, 2012.

(c) *Responsive Designation of Expert Witnesses:* May 16, 2012.

(d) *Objections to the Designations of Expert Witnesses:* June 15, 2012.

Respectfully submitted,

/s/ Robert (Bobby) Lee

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